

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01362

CABELL COUNTY COMMISSION,

Plaintiff,

v.

AMERISOURCEBERGEN DRUG
CORPORATION, *et al.*

Defendants.

Civil Action No. 3:17-01665

DEFENDANTS' FOURTEENTH DISCOVERY STATUS REPORT

For the benefit of the Special Master and the information of the Court, Defendants submit their fourteenth biweekly discovery status report pursuant to the Court's request during the March 5, 2020 status conference. *See* Status Conf. Tr. 41:15-23 (Mar. 5, 2020).¹ As today is the deadline for expert depositions, and the close of fact discovery has also passed, this is the final status report that Defendants plan to file unless otherwise requested by the Court.

¹ Consistent with discussion at the status conference, this filing is not a vehicle to seek any relief from the Court and any necessary motions will be filed separately. Rather, this report is simply to update the Special Master on the progress of the case as the Court monitors the overall schedule and plans for the litigation.

The vast majority of discovery is now complete. As of today, the parties have deposed 34 expert witnesses, and the 3 remaining experts will be deposed shortly on dates that have been agreed to by all parties. Plaintiffs declined to depose 7 experts. As agreed upon by stipulation, the parties may seek additional depositions of undeposed fact witnesses that appear on the trial witness lists exchanged tomorrow. ECF No. 724. There may also remain a small number of outstanding fact depositions that have been deferred due to personal or family health issues.

I. Fact Discovery

As reported in previous status reports, two depositions of Plaintiffs' witnesses remain outstanding due to personal and family health issues. All Defendants have now entered into stipulations with Plaintiffs such that no further depositions of Defendant witnesses are expected to take place in this action. The parties have agreed to future depositions for trial fact witnesses who have not been deposed previously in any opioid litigation.

Defendants' May 15 motion for discovery responses from the West Virginia Bureau for Children and Families (BCF) remains fully briefed. ECF Nos. 430, 431. The documents in question were among those produced from DHHR. Defendants offered to have their vendor process the documents, to which Plaintiffs agreed, and progress is being made. No action from the Court is currently required.

II. Expert Discovery

Nearly all depositions of experts have been completed. Two further expert depositions are scheduled for this week by agreement of the parties. One expert deposition is being rescheduled for early October because of disruptions caused by the recent hurricanes in Florida, which made it infeasible to conduct the deposition remotely on the original schedule. Those are the only three remaining expert depositions.

Dated: September 22, 2020

Respectfully Submitted,

McKesson Corporation

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on this 22nd day of September, the foregoing **“Defendants’ Fourteenth Discovery Status Report”** was served using the Court’s CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Jeffrey M. Wakefield

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